West Virginia Department of Environmental Protection

Division of Air Quality

Bob Wise
Governor

Stephanie R. Timmermeyer
Cabinet Secretary

Permit to Operate

Pursuant to

Title V

of the Clean Air Act

Issued to:

Consolidation Coal Company
Blacksville No. 2
R30-06100016-2003

John A. Benedict
Director

Issued: Draft • Effective: Draft
Expiration: Draft • Renewal: Draft

Permit Number: **R30-06100016-2003**
Permittee: **Consolidation Coal Company**
Facility Name: Blacksville No.2
Mailing Address: P.O. Box 24
Wana, WV 26590

This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45CSR30 — Requirements for Operating Permits. The permittee identified at the above-referenced facility is authorized to operate the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.

Facility Location:	Wana, Monongalia County, West Virginia
Mailing Address:	P.O. Box 24 Wana, WV 26590
Telephone Number:	304-285-2242
Type of Business Entity:	Corporation
Facility Description:	Coal Preparation Plant with Thermal Dryer
SIC Codes:	1222
UTM Coordinates:	560.47 km Easting • 4395.78 km Northing • Zone 17

Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§ 22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.

Issuance of this Title V Operating Permit does not supersede or invalidate any existing permits under 45CSR13, 14 or 19, although all applicable requirements from such permits governing the facility's operation and compliance have been incorporated into the Title V Operating Permit.

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1.0. Emission Units

Source ID	Emission Point ID	Equipment Description	Design Capacity TPH	Design Capacity TPYx 10^6	Year Installed or Modified	Fugitive Dust Control System/ Control Device	Control Device ID	Associated Emission Points ID No	Associated Emission Points Transfer Description	Associated Emission Points Fugitive Dust Control System/ Control Device
001B	Z01	**Screen 1 –** Screening of run of mine raw coal at mine's skip shaft	1,500	10.0	2000	FE	NA	001	Raw coal from mine to Screen/Crusher Unit	FE
								002	Screened/crushed coal to Conveyor 1	FE
001A	Z01	**Crusher 1 –** Crushing of run of mine raw coal at mine's skip shaft	1,500	10.0	2000	FE	NA	001	Raw coal from mine to Screen/Crusher Unit	FE
								002	Screened/crushed coal to Conveyor 1	FE
003	Z01	**Conveyor 1** - Belt from Screen/Crusher Building to Raw Coal (RC) Transfer Building	1,500	10.0	2000	PE	NA	004	Raw coal (RC) from Conv. 1 to Conv. 2	FE
								027	Raw coal (RC) from Conv. 1 to Truck/Pan	MC
005	Z01	**Conveyor 2** - Belt from RC Transfer Building to Raw Coal Silo 1	1,500	10.0	2000	PE	NA	006	RC from Conv. 2 to RC Silo 1 load-in	FE
007	Z01	**Raw Coal Silo 1 -** (Capacity 6,000 tons)	1,500	10.0	1970	FE	NA	007A	RC Silo 1 reclaim to Conveyor 3	PE
								007B	RC Silo 1 reclaim to Conveyor 7	PE
008	Z01	**Conveyor 3 -** Belt from RC Silo 1 to Preparation Plant	1,500	10.0	2000	PE	NA	008A	RC from Conv. 3 to Preparation Plant	FE
010	Z01	**Conveyor 4 -** Belt from Preparation Plant to Clean Coal (CC) Silo 1	1,500	3.4	2000	PE	NA	011	CC from Conv. 4 to Clean Coal Silo 1	FE

012	Z01	**Clean Coal Silo 1 -** (Capacity 14,000 t)	1,500	3.4	1970	FE	NA	012B	CC from CC silo 1 to Conveyor 5	PE
012A	Z01	**Conveyor 5 -** CC Silo 1 reclaim conveyor	3,000	3.4	1970	FE	NA	017A	CC from Conv. 5 to Conv. 9	PE
013	Z01	**Conveyor 6 -** Belt from Preparation Plant to Clean Coal (CC) Silo 2	1,500	4.2	2000	PE	NA	014	CC from Conv. 6 to Clean Coal Silo 2	FE
015	Z01	**Clean Coal Silo 2 -** (Capacity 12,000 t)	1,500	4.2	1970	FE	NA	015A	CC from CC silo 2 to Conveyor 8	FE
016	Z01	**Conveyor 7 -** Belt from Conveyor 15 to Conveyor 8	1,500	6.0	1970	PE	NA	016A	RC from Conveyor 7 to Conveyor 8	PE
018	Z01	**Conveyor 8 -** CC Silo 2 reclaim conveyor	3,000	4.2	1970	FE	NA	017B	CC from Conv. 8 to Conv. 9	PE
046	Z01	**Conveyor 9 -** Rail Loadout Feed Belt	3,000	7.6	1970	PE	NA	019	CC from Conv. 9 to Rail Loadout Bin	PE
020	Z01	**Rail Loadout Bin -** (Capacity - 100 tons)	3,000	7.6	1970	FE	NA	021	Rail Loadout Bin to Railcar	PE
								045	Rail Loadout Bin to Trucks/Pan	PE
022	Z01	**Conveyor 10 -** Belt from Preparation Plant to Refuse Loadout Bin1	400	1.9	2000	PE	NA	023	Refuse from Conveyor 10 to Refuse Loadout Bin 1	PE
024	Z01	**Refuse Loadout Bin 1 -** (Capacity – 100 tons)	400	1.9	1970	FE	NA	025	Refuse from Refuse Loadout Bin 1 to Refuse Vehicle	MC
033	Z01	**Conveyor 11 -** Belt from Preparation Plant to Thermal Dryer Transfer Building	650	4.2	2000	PE	NA	035A	Wet coal from Conv. 11 to Conv. 13 (feed to thermal dryer)	FE
								035B	Wet coal from Conv. 11 to Conv. 12 (by-pass of thermal dryer)	FE
034	Z01	**Conveyor 12 -** Belt from Thermal Dryer Transfer Building to Preparation Plant	650	4.2	2000	PE	NA	034A	Conveyor 12 to Conveyor 6	PE
036	Z01	**Conveyor 13 -** Belt from Thermal Dryer Transfer Building to Thermal Dryer	650	4.2	1984	PE	NA	036A	Wet coal from Conv. 13 to Thermal Dryer	FE

038	Z01	**Conveyor 14 -** Belt from Thermal Dryer to Thermal Dryer Transfer Building	650	4.2	1984	PE	NA	035D	Dried coal from Conv. 14 to Conv. 12	FE
035	P002	**Thermal Dryer** Manufacture: Heyl-Patterson Type: Fluidized Bed Dryer Furnace Manufacturer: Bigelow – Liptak with a single forced draft burner. Design BTU Rating: 115 x 10^6 Btu/hr	650	4.2	1984	Cyclones (4 parallel cyclone collectors) Scrubber (Horizontal Venturi Scrubber)	Cyclones Scrubber	035C	Dried Coal from Thermal Dryer to Conv. 14	FE
047	Z01	**Conveyor 15 -** Belt from pan/truck dump to Conv. 3 (plant feed)	1,500	6.0	2000	PE	NA	031	Stockpile reclaim to Conv. 15	MC
								047A	Transfer from Conv. 15 to Conv 3	FE
055	Z01	**Conveyor 16 -** Belt from Clean/Raw Coal Stockpile 1 reclaim to Preparation Plant	1,500	1.3	1996	PE	NA	055A	Clean/Raw Coal Stockpile reclaim to Conveyor 16.	MC
029	Z01	**Clean/Raw Coal Stockpile 1 -** Stockpile footprint is 13 acres with a storage capacity of approximately 900,000 tons.	NA	2.0	2000	MC	NA	028	CC/RC Stockpile 1 coal loadin from pan	MC
								030	CC/RC Stockpile 1 coal loadout to pan	MC
039	Z01	**Raw Coal Stockpile 1 -** Stockpile footprint is 9.9 acres with a storage capacity of approximately 480,000 tons.	NA	1.0	1990	MC	NA	040	RC Stockpile 1 coal loadin from pan	MC
								041	RC Stockpile 1 coal loadout to pan	MC
								041A	Grading RC Stockpile 1	MC
042	Z01	**Raw Coal Stockpile 2 -** Stockpile footprint is 3.3 acres with a storage capacity of approximately 90,000 tons.	NA	0.2	1990	MC	NA	043	RC Stockpile 2 coal loadin from pan	MC
								044	RC Stockpile 2 coal loadout to pan	MC

								044A	Grading RC Stockpile 2	MC
048	Z01	**Lime Storage Silo 1**	NA	NA	1970	NA	NA			
050	Z01	**Rock Dust Silo 1**	NA	NA	1970	NA	NA			
054B	P003	**Ash Disposal -** Ash Storage Silo	NA	0.15	To be Built	Baghouse	Baghouse 1	054C	Ash transfer to haul truck	MC
								054D,E	Ash truck to/from disposal site	WT
054A	P003	**Ash Disposal -** Railcar Depressurization	NA	0.15	To be Built	Baghouse	Baghouse 1			
052A	Z01	**Haulroads-**Unpaved Roads - refuse vehicle to disposal area full.	NA	NA	2000	WT	NA	026	Transfer of coarse refuse from haul vehicle to disposal area	MC
								032A	Grading of Refuse Disposal Area	MC
052B	Z01	**Haulroads**-Unpaved Roads - refuse vehicle from disposal area empty.	NA	NA	2000	WT	NA			
052C	Z01	**Haulroads**-Unpaved Roads - Clean Coal to/from CC/RC Stockpile 1/ empty	NA	NA	2000	WT	NA			
052D	Z01	**Haulroads-**Unpaved Roads - Clean Coal to/from CC/RC Stockpile 1/ full	NA	NA	2000	WT	NA	028	CC/RC Stockpile 1 coal loadin from pan	MC
								030	CC/RC Stockpile 1 coal loadout to pan	MC
052E	Z01	**Haulroads**-Unpaved Roads - Raw Coal to/from Raw Coal Stockpile #1 / empty	NA	NA	1990	WT	NA			
052F	Z01	**Haulroads**-Unpaved Roads - Raw Coal to/from Raw Coal Stockpile #1 / full	NA	NA	1990	WT	NA	040	RC Stockpile 1 coal loadin from pan	MC
								041	RC Stockpile 1 coal loadout to pan	MC
052G	Z01	**Haulroads**-Unpaved Roads - Raw Coal to/from Raw Coal Stockpile #2/ empty	NA	NA	1990	WT	NA			

052H	Z01	**Haulroads**-Unpaved Roads - Raw Coal to/from Raw Coal Stockpile #2/ full	NA	NA	1990	WT	NA	043	RC Stockpile 2 coal loadin from pan	MC
								044	RC Stockpile 2 coal loadout to pan	MC
052I	Z01	**Haulroads**-Unpaved Roads - Empty trucks to truck loadout	NA	NA	1970	WT	NA			
052J	Z01	**Haulroads**-Unpaved Roads - Full trucks from truck loadout	NA	NA	1970	WT	NA	045	Rail Loadout Bin to Trucks/Pan	PE
052K	Z01	**Haulroads**-Unpaved Roads - Clean Coal to/from CC/RC Stockpile #1 / full	NA	NA	2000	WT	NA	028	CC/RC Stockpile 1 coal loading from pan	MC
								030	CC/RC Stockpile 1 coal loadout to pan	MC
052L	Z01	**Haulroads**-Unpaved Roads - Clean Coal to/from CC/RC Stockpile #1 / empty	NA	NA	2000	WT	NA			
054D	Z01	**Haulroads**-Unpaved Roads - Full ash truck to ash disposal area	NA	0.15	To be Built	WT	NA	026	Transfer of ash from ash truck to ash disposal area.	MC
054E	Z01	**Haulroads**-Unpaved Roads - Empty ash trucks from ash disposal area	NA	0.15	To be Built	WT	NA			
009B	Z01	**VOC emissions** from prep plant Froth Flotation Cell	NA	NA	2000	NA	NA			
009	P001	**VOC emissions** from prep plant Vacuum Filter	NA	NA	2000	NA	NA			
049	Z01	**VOC emissions** from water treatment Thickener	NA	NA	2000	NA	NA			
020	Z01	**VOC emissions** from rail cars anti-freeze spray	NA	NA	1970	NA	NA			
053A-M	Z01	**VOC working/breathing losses** from liquid chemical and petroleum storage tanks	NA	NA	1970	NA	NA			
2S		Storage Silo			*					
3S		Pugmill			*					
4e		Storage Silo baghouse			*					

* Has not been constructed

2.0. General Conditions

2.1. Definitions

2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.

2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.

2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.

2.2. Acronyms

CAAA	Clean Air Act Amendments	**NSPS**	New Source Performance Standards
CBI	Confidential Business Information	**PM**	Particulate Matter
CEM	Continuous Emission Monitor	**PM_{10}**	Particulate Matter less than 10μm in diameter
CES	Certified Emission Statement	**pph**	Pounds per Hour
C.F.R. *or* CFR	Code of Federal Regulations	**ppm**	Parts per Million
CO	Carbon Monoxide	**PSD**	Prevention of Significant Deterioration
C.S.R. *or* CSR	Codes of State Rules	**psi**	Pounds per Square Inch
DAQ	Division of Air Quality	**SIC**	Standard Industrial Classification
DEP	Department of Environmental Protection	**SIP**	State Implementation Plan
FOIA	Freedom of Information Act	**SO_2**	Sulfur Dioxide
HAP	Hazardous Air Pollutant	**TAP**	Toxic Air Pollutant
HON	Hazardous Organic NESHAP	**TPY**	Tons per Year
HP	Horsepower	**TRS**	Total Reduced Sulfur
lbs/hr	Pounds per Hour	**TSP**	Total Suspended Particulate
LDAR	Leak Detection and Repair	**USEPA**	United States Environmental Protection Agency
M	Thousand	**UTM**	Universal Transverse Mercator
MACT	Maximum Achievable Control Technology	**VEE**	Visual Emissions Evaluation
MM	Million	**VOC**	Volatile Organic Compounds
MMBtu/hr *or* mmbtu/hr	Million British Thermal Units per Hour		
MMCF/hr *or* mmcf/hr	Million Cubic Feet Burned per Hour		
NA	Not Applicable		
NAAQS	National Ambient Air Quality Standards		
NESHAPS	National Emissions Standards for Hazardous Air Pollutants		
NO_x	Nitrogen Oxides		

2.3. Permit Expiration and Renewal

2.3.1. Permit duration. This permit is issued for a fixed term of five (5) years and shall expire on the date specified on the cover of this permit, except as provided in 45CSR§30-6.3.b. and 45CSR§30-6.3.c.
[45CSR§30-5.1.b.]

2.3.2. A permit renewal application is timely if it is submitted at least six (6) months prior to the date of permit expiration.
[45CSR§30-4.1.a.3.]

2.3.3. Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with 45CSR§30-6.2. and 45CSR§30-6.3.b.
[45CSR§30-6.3.b.]

2.3.4. If the Secretary fails to take final action to deny or approve a timely and complete permit application before the end of the term of the previous permit, the permit shall not expire until the renewal permit has been issued or denied, and any permit shield granted for the permit shall continue in effect during that time.
[45CSR§30-6.3.c.]

2.4. Permit Actions

2.4.1. This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
[45CSR§30-5.1.f.3.]

2.5. Reopening for Cause

2.5.1. This permit shall be reopened and revised under any of the following circumstances:

a. Additional applicable requirements under the Clean Air Act or the Secretary's legislative rules become applicable to a major source with a remaining permit term of three (3) or more years. Such a reopening shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 45CSR§§30-6.6.a.1.A. or B.

b. Additional requirements (including excess emissions requirements) become applicable to an affected source under Title IV of the Clean Air Act (Acid Deposition Control) or other legislative rules of the Secretary. Upon approval by U.S. EPA, excess emissions offset plans shall be incorporated into the permit.

c. The Secretary or U.S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

d. The Secretary or U.S. EPA determines that the permit must be revised or revoked and reissued to assure compliance with the applicable requirements.

[45CSR§30-6.6.a.]

2.6. Administrative Permit Amendments

2.6.1. The permittee may request an administrative permit amendment as defined in and according to the procedures specified in 45CSR§30-6.4.
[45CSR§30-6.4.]

2.7. Minor Permit Modifications

2.7.1. The permittee may request a minor permit modification as defined in and according to the procedures specified in 45CSR§30-6.5.a.
[45CSR§30-6.5.a.]

2.8. Significant Permit Modification

2.8.1. The permittee may request a significant permit modification, in accordance with 45CSR§30-6.5.b., for permit modifications that do not qualify for minor permit modifications or as administrative amendments.
[45CSR§30-6.5.b.]

2.9. Emissions Trading

2.9.1. No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit and that are in accordance with all applicable requirements.
[45CSR§30-5.1.h.]

2.10. Off-Permit Changes

2.10.1. Except as provided below, a facility may make any change in its operations or emissions that is not addressed nor prohibited in its permit and which is not considered to be construction nor modification under any rule promulgated by the Secretary without obtaining an amendment or modification of its permit. Such changes shall be subject to the following requirements and restrictions:

a. The change must meet all applicable requirements and may not violate any existing permit term or condition.

b. The permittee must provide a written notice of the change to the Secretary and to U.S. EPA within two (2) business days following the date of the change. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.

c. The change shall not qualify for the permit shield.

d. The permittee shall keep records describing all changes made at the source that result in emissions of regulated air pollutants, but not otherwise regulated under the permit, and the emissions resulting from those changes.

e. No permittee may make any change subject to any requirement under Title IV of the Clean Air Act (Acid Deposition Control) pursuant to the provisions of 45CSR§30-5.9.

f. No permittee may make any changes which would require preconstruction review under any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) pursuant to the provisions of 45CSR§30-5.9.

[45CSR§30-5.9]

2.11. Operational Flexibility

2.11.1. The permittee may make changes within the facility as provided by § 502(b)(10) of the Clean Air Act. Such operational flexibility shall be provided in the permit in conformance with the permit application and applicable requirements. No such changes shall be a modification under any rule or any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) promulgated by the Secretary in accordance with Title I of the Clean Air Act and the change shall not result in a level of emissions exceeding the emissions allowable under the permit.
[45CSR§30-5.8]

2.11.2. Before making a change under 45CSR§30-5.8., the permittee shall provide advance written notice to the Secretary and to U.S. EPA, describing the change to be made, the date on which the change will occur, any changes in emissions, and any permit terms and conditions that are affected. The permittee shall thereafter maintain a copy of the notice with the permit, and the Secretary shall place a copy with the permit in the public file. The written notice shall be provided to the Secretary and U.S. EPA at least seven (7) days prior to the date that the change is to be made, except that this period may be shortened or eliminated as necessary for a change that must be implemented more quickly to address unanticipated conditions posing a significant health, safety, or environmental hazard. If less than seven (7) days notice is provided because of a need to respond more quickly to such unanticipated conditions, the permittee shall provide notice to the Secretary and U.S. EPA as soon as possible after learning of the need to make the change.
[45CSR§30-5.8.a.]

2.11.3. The permit shield shall not apply to changes made under 45CSR§30-5.8., except those provided for in 45CSR§30-5.8.d. However, the protection of the permit shield will continue to apply to operations and emissions that are not affected by the change, provided that the permittee complies with the terms and conditions of the permit applicable to such operations and emissions. The permit shield may be reinstated for emissions and operations affected by the change:

a. If subsequent changes cause the facility's operations and emissions to revert to those authorized in the permit and the permittee resumes compliance with the terms and conditions of the permit, or

b. If the permittee obtains final approval of a significant modification to the permit to incorporate the change in the permit.
[45CSR§30-5.8.c.]

2.11.4. "Section 502(b)(10) changes" are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.
[45CSR§30-2.39]

2.12. Reasonably Anticipated Operating Scenarios

2.12.1. The following are terms and conditions for reasonably anticipated operating scenarios identified in this permit.

a. Contemporaneously with making a change from one operating scenario to another, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating and to document the change in reports submitted pursuant to the terms of this permit and 45CSR30.

b. The permit shield shall extend to all terms and conditions under each such operating scenario; and

c. The terms and conditions of each such alternative scenario shall meet all applicable requirements and the requirements of 45CSR30.

[45CSR§30-5.1.i.]

2.13. Duty to Comply

2.13.1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
[45CSR§30-5.1.f.1.]

2.14. Inspection and Entry

2.14.1. The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:

a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution Control equipment), practices, or operations regulated or required under the permit;

d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

[45CSR§30-5.3.b.]

2.15. Schedule of Compliance

2.15.1. For sources subject to a compliance schedule, certified progress reports shall be submitted consistent with the applicable schedule of compliance set forth in this permit and 45CSR§30-4.3.h., but at least every six (6) months, and no greater than once a month, and shall include the following:

a. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

b. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measure adopted.

[45CSR§30-5.3.d.]

2.16. Need to Halt or Reduce Activity not a Defense

2.16.1. It shall not be a defense for a permittee in an enforcement action that it should have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.
[45CSR§30-5.1.f.2.]

2.17. Emergency

2.17.1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
[45CSR§30-5.7.a.]

2.17.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of 45CSR§30-5.7.c. are met.
[45CSR§30-5.7.b.]

2.17.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;

b. The permitted facility was at the time being properly operated;

c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

d. Subject to the requirements of 45CSR§30-5.1.c.3.C.1, the permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice, report, and

variance request fulfills the requirement of 45CSR§30-5.1.c.3.B. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

[45CSR§30-5.7.c.]

2.17.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
[45CSR§30-5.7.d.]

2.17.5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.
[45CSR§30-5.7.e.]

2.18. Federally-Enforceable Requirements

2.18.1. All terms and conditions in this permit, including any provisions designed to limit a source's potential to emit and excepting those provisions that are specifically designated in the permit as "State-enforceable only", are enforceable by the Secretary, USEPA, and citizens under the Clean Air Act.
[45CSR§30-5.2.a.]

2.18.2. Those provisions specifically designated in the permit as “State-enforceable only” shall become “Federally-enforceable” requirements upon SIP approval by the USEPA.

2.19. Duty to Provide Information

2.19.1. The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records required to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.
[45CSR§30-5.1.f.5.]

2.20. Duty to Supplement and Correct Information

2.20.1. Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.
[45CSR§30-4.2.]

2.21. Permit Shield

2.21.1. Compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance provided that such applicable requirements are included and are specifically identified in this permit or the Secretary has determined that other requirements specifically identified are not applicable to the source and this permit includes such a determination or a concise summary thereof.
[45CSR§30-5.6.a.]

2.21.2. Nothing in this permit shall alter or affect the following:

a. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance; or

b. The applicable requirements of the Code of West Virginia and Title IV of the Clean Air Act (Acid Deposition Control), consistent with § 408 (a) of the Clean Air Act.

c. The authority of the Administrator of U.S. EPA to require information under § 114 of the Clean Air Act or to issue emergency orders under § 303 of the Clean Air Act.

[45CSR§30-5.6.c.]

2.22. Credible Evidence

2.22.1. Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defenses otherwise available to the permittee including but not limited to any challenge to the credible evidence rule in the context of any future proceeding.
[45CSR§30-5.3.e.3.B. and 45CSR38]

2.23. Severability

2.23.1. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid by a court of competent jurisdiction, the remaining permit terms and conditions or their application to other circumstances shall remain in full force and effect.
[45CSR§30-5.1.e.]

2.24. Property Rights

2.24.1. This permit does not convey any property rights of any sort or any exclusive privilege.
[45CSR§30-5.1.f.4]

2.25. Acid Deposition Control

2.25.1. Emissions shall not exceed any allowances that the source lawfully holds under Title IV of the Clean Air Act (Acid Deposition Control) or rules of the Secretary promulgated thereunder.

a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid deposition control program, provided that such increases do not require a permit revision under any other applicable requirement.

b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

c. Any such allowance shall be accounted for according to the procedures established in rules promulgated under Title IV of the Clean Air Act.

[45CSR§30-5.1.d.]

2.25.2. Where applicable requirements of the Clean Air Act are more stringent than any applicable requirement of regulations promulgated under Title IV of the Clean Air Act (Acid Deposition Control), both provisions shall be incorporated into the permit and shall be enforceable by the Secretary and U. S. EPA. **[45CSR§30-5.1.a.2.]**

3.0. Facility-Wide Requirements

3.1. Limitations and Standards

3.1.1. **Open burning.** The open burning of refuse by any person, firm, corporation, association or public agency is prohibited except as noted in 45CSR§6-3.1.
[45CSR§6-3.1.]

3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.
[45CSR§6-3.2.]

3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). A copy of this notice is required to be sent to the USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health.
[40 C.F.R. 61]

3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.
[45CSR§4-3.1 State-Enforceable only.]

3.1.5. **Permanent shutdown.** A source which has not operated at least 500 hours in one 12-month period within the previous five (5) year time period may be considered permanently shutdown, unless such source can provide to the Secretary, with reasonable specificity, information to the contrary. All permits may be modified or revoked and/or reapplication or application for new permits may be required for any source determined to be permanently shutdown.
[45CSR§13-10.5 State-Enforceable only.]

3.1.6. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11.
[45CSR§11-5.2]

3.1.7. **Emission inventory.** The permittee is responsible for submitting, on an annual basis, an emission inventory in accordance with the submittal requirements of the Division of Air Quality.
[W.Va. Code § 22-5-4(a)(14)]

3.1.8. **Ozone-depleting substances.** For those facilities performing maintenance, service, repair or disposal of appliances, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 C.F.R. Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:

a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to C.F.R. §§ 40-82.154 and 82.156.

b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to C.F.R. § 40-82.158.

c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to C.F.R. § 40-82.161.

[40 C.F.R. 82, Subpart F]

3.1.9. **Risk Management Plan.** Should this stationary source, as defined in 40 C.F.R. § 68.3, become subject to Part 68, then the owner or operator shall submit a risk management plan (RMP) by the date specified in 40 C.F.R. § 68.10 and shall certify compliance with the requirements of Part 68 as part of the annual compliance certification as required by 40 C.F.R. Part 70 or 71.
[40 C.F.R. 68]

3.1.10. No person shall cause, suffer, allow or permit a coal preparation plant or handling operation to operate that is not equipped with a fugitive dust control system. This system shall be operated and maintained in such a manner as to minimize the emission of particulate matter into the open air. All fugitive dust control systems shall remain functional year-round, to the maximum extent practicable, including winter months and cold weather.
[45CSR§5-6.1]

3.1.11. The owner or operator of a coal preparation plant or handling operation shall maintain dust control of the premises and owned, leased, or controlled access roads by paving, or other suitable measures. Good operating practices shall be observed in relation to stockpiling, car loading, breaking, screening, and general maintenance to minimize dust generation and atmospheric entrainment.
[45CSR§5-6.2]

3.2. Monitoring Requirements

3.2.1. N/A

3.3. Testing Requirements

3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and

63 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit will be revised in accordance with 45CSR§30-6.4. or 45CSR§30-6.5 as applicable.

b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit will be revised in accordance with 45CSR§30-6.4. or 45CSR§30-6.5 as applicable.

c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.

[WV Code § 22-5-4(a)(15) and 45CSR13]

3.4. Recordkeeping Requirements

3.4.1. **Monitoring information.** The permittee shall keep records of monitoring information that include the following:

a. The date, place as defined in this permit and time of sampling or measurements;

b. The date(s) analyses were performed;

c. The company or entity that performed the analyses;

d. The analytical techniques or methods used;

e. The results of the analyses; and

f. The operating conditions existing at the time of sampling or measurement.

[45CSR§30-5.1.c.2.A.]

3.4.2. **Retention of records.** The permittee shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of monitoring sample, measurement, report, application, or record creation date. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required

by the permit. Where appropriate, records may be maintained in computerized form in lieu of the above records.
[45CSR§30-5.1.c.2.B.]

3.4.3. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received. Such record shall contain an assessment of the validity of the complaints as well as any corrective actions taken.
[45CSR§30-5.1.c. State-Enforceable only.]

3.5. Reporting Requirements

3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.
[45CSR§§30-4.4. *and* 5.1.c.3.D.]

3.5.2. A permittee may request confidential treatment for the submission of reporting required under 45CSR§30-5.1.c.3. pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.
[45CSR§30-5.1.c.3.E.]

3.5.3. All notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

If to the DAQ:

Director
WVDEP
Division of Air Quality
7012 MacCorkle Avenue, SE
Charleston, WV 25304-2943

Phone: 304/926-3727
FAX: 304/926-3739

If to the US EPA:

Associate Director
Office of Enforcement and Permits Review
(3AP12)
U. S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

3.5.4. **Certified emissions statement.** The permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.
[45CSR§30-8.]

3.5.5. **Compliance certification.** The permittee shall certify compliance with the conditions of this permit on the forms provided by the DAQ. In addition to the annual compliance certification, the permittee may be required to submit certifications more frequently under an applicable requirement of this permit. The annual certification

shall be submitted to the DAQ and USEPA on or before March 15 of each year, and shall certify compliance for the period ending December 31. The permittee shall maintain a copy of the certification on site for five (5) years from submittal of the certification.
[45CSR§30-5.3.e.]

3.5.6. **Semi-annual monitoring reports.** The permittee shall submit reports of any required monitoring on September 15 for the reporting period January 1 to June 30 and March 15 for the reporting period July 1 to December 31. All instances of deviation from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with 45CSR§30-4.4.
[45CSR§30-5.1.c.3.A.]

3.5.7. **Emergencies.** For reporting emergency situations, refer to Section 2.17 of this permit.

3.5.8. **Deviations.**

a. In addition to monitoring reports required by this permit, the permittee shall promptly submit supplemental reports and notices in accordance with the following:

1. Any deviation resulting from an emergency or upset condition, as defined in 45CSR§30-5.7., shall be reported by telephone or telefax within one (1) working day of the date on which the permittee becomes aware of the deviation, if the permittee desires to assert the affirmative defense in accordance with 45CSR§30-5.7. A written report of such deviation, which shall include the probable cause of such deviations, and any corrective actions or preventative measures taken, shall be submitted and certified by a responsible official within ten (10) days of the deviation.

2. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to the Secretary immediately by telephone or telefax. A written report of such deviation, which shall include the probable cause of such deviation, and any corrective actions or preventative measures taken, shall be submitted by the responsible official within ten (10) days of the deviation.

3. Deviations for which more frequent reporting is required under this permit shall be reported on the more frequent basis.

4. All reports of deviations shall identify the probable cause of the deviation and any corrective actions or preventative measures taken.

[45CSR§30-5.1.c.3.C.]

b. The permittee shall, in the reporting of deviations from permit requirements, including those attributable to upset conditions as defined in this permit, report the probable cause of such deviations and any corrective actions or preventive measures taken in accordance with any rules of the Secretary.
[45CSR§30-5.1.c.3.B.]

c. Every report submitted under this subsection shall be certified by a responsible official.
[45CSR§30-5.1.c.3.D.]

3.5.9. **New applicable requirements.** If any applicable requirement is promulgated during the term of this permit, the permittee will meet such requirements on a timely basis, or in accordance with a more detailed schedule if required by the applicable requirement.
[45CSR§30-4.3.h.1.B.]

3.6. Compliance Plan

3.6.1. N/A

3.7. Permit Shield

3.7.1. The permittee is hereby granted a permit shield in accordance with 45CSR§30-5.6. The permit shield applies provided the permittee operates in accordance with the information contained within this permit.

3.7.2. The following requirements specifically identified are not applicable to the source based on the determinations set forth below. The permit shield shall apply to the following requirements provided the conditions of the determinations are met.

a. None

4.0. Source-Specific Requirements

4.1. Limitations and Standards

4.1.1. The permitted facility shall be limited to a maximum throughput of 150,000 tons of flyash per year (annual basis).
[45CSR13, R13-1551 (Condition A.1.) (054A, 054B)]

4.1.2. The permitted facility shall maintain a fully enclosed building around the storage silo (ID #2S), and the pugmill (ID #3S).
[45CSR13, R13-1551 (Condition A.2.) (#2S, #3S)]

4.1.3. The permitted facility shall fully moisten the flyash before loading into scrapers and/or trucks for haulage to the refuse disposal area.
[45CSR13, R13-1551 (Condition A.3.) (054A, 054B)]

4.1.4. A water spray truck as described in Permit Application R13-1545 shall be used continuously as weather and atmospheric conditions warrant to minimize fugitive particulate emission and atmospheric entrainment from haulroads.
[45CSR13, R13-1551 (Condition A.4.) (052A, 052B, 052C, 052D, 052E, 052F, 052G, 052H, 052I, 052J, 052K, 052L, 054D, 054E)]

4.1.5. Particulate emissions from the stack venting the storage silo baghouse (emission point 4e), shall not exceed a rate of 1.72 pounds per hour.
[45CSR13, R13-1551 (Condition A.5.) (4e)]

4.1.6. The permitted facility shall be constructed and maintained in accordance with Permit Application R13-1551 and its amendments.
[45CSR13, R13-1551 (Condition A.6.)]

4.1.7. The permitted facility shall comply with all applicable provisions of 45 CSR 2, including the following:
No person shall cause, suffer, allow or permit a facility to operate that is not equipped with a fugitive dust control system. This system shall be operated and maintained in such a manner as to minimize the emission of particulate matter into the open air. Sources of fugitive particulate matter associated with fuel burning units shall include, but not be limited to, the following:
a) stockpiling of ash either in the open or in enclosures such as silos;
b) transport of ash in vehicles or on conveying systems, to include spillage, tracking, or blowing of particulate matter from or by such vehicles or equipment; and,
c) ash or fuel handling systems and ash disposal areas.
[45CSR13, R13-1551 (Condition B.2.) (054A, 054B)]

4.1.8. The sulfur dioxide control system as described in CONSOL's September 8, 1992 submission, involving the addition of caustic to the wet coal that feeds the fluidizing bed and the operation of a continuous emission monitoring system, shall be operated continuously when the thermal dryer is in operation.
[45CSR13, R13-0718B (Condition A.1.), andCO-R5, 13, 14-93-6 (Condition III.2.) (035)]

4.1.9. The emissions limit for SO_2 shall be set at
(a) 120.7 lbs/hr measured on the basis of a one-hour average
(b) 20.7 tons/month measured on the basis of actual emissions as reported monthly to the Division of Air Quality, and

(c) 249.4 tons/year.
[45CSR13, R13-0718B (Condition A.2.) (P002)]

4.1.10. The thermal dryer will be operated no more than 5,850 hours per year.
[45CSR13, R13-0718B (Condition A.3.) (P002)]

4.1.11. The following table sets forth the allowable hourly and annual limitations for total particulate matter, carbon monoxide, nitrogen dioxide, sulfur dioxide, and volatile organic compounds from the thermal dryer (035) at emission point P002.

Pollutant	Emissions (lb/hr)	Emissions (ton/year)
Total Particulate Matter	24.2	70.8
Carbon Monoxide	43.2	103
Nitrogen Dioxide	46.6	136
Sulfur Dioxide	120.7	249.4
Volatile Organic Compounds	24.6	47.4

[45CSR13, 45CSR§10-3.3.f and R13-0718B (Condition A.4.) (P002)]

4.1.12. Throughput of coal into the preparation plant shall not exceed 1500 tons per hour or 10,000,000 tons in raw coal input. Compliance with the throughput limit shall be determined using a rolling yearly total. A rolling yearly total shall mean the sum of coal throughput at any given time for the previous twelve (12) consecutive calendar months.
[45CSR13, R13-0718B (Condition A.5.) (Preparation Plant)]

4.1.13. Fugitive particulate dust control system(s) shall be properly designed, installed, operated and maintained in such a manner so as to minimize the generation and atmospheric entrainment of fugitive particulate emissions. Such system(s) at a minimum shall include, but not be limited to:

a. The permittee shall maintain a functional water truck on-site equipped with spray bars to apply water or a mixture of water and an environmentally acceptable dust control additive (solution) to haulroads and work areas where mobile equipment is used, and to stockpiles. The spray bars shall be equipped with commercially available spray nozzles of sufficient size and number so as to provide adequate coverage to the area being treated. The pump delivering the water or solution shall be of sufficient size and capacity to be capable of delivering to the spray nozzles an adequate quantity of water or solution at a sufficient pressure to ensure the minimization of atmospheric entrainment of fugitive particulate emissions generated from haulroads, work areas, and stockpiles. The water truck shall be in operation at all times when fugitive particulate emissions from haulroads, work areas, and stockpiles are generated as a result of activity or wind.

b. The permittee shall properly install, operate and maintain designed winterization systems for all water trucks and/or water sprays in a manner that all such fugitive dust control systems remain functional during winter months and cold weather.

[45CSR13, R13-0718B (Condition A.6.) (052A, 052B, 052C, 052D, 052E, 052F, 052G, 052H, 052I, 052J, 052K, 052L, 054D, 054E)]

4.1.14. In accordance with the information filed in Permit Application R13-0718B, the following affected sources throughput rates shall not be exceeded, and the following methods of controls shall be installed, maintained, and operated so as to minimize particulate matter (PM) emissions.

Name of Equipment	ID Number	Maximum Throughput TPH	Maximum Throughput TPY	Type of Controls
Belt No. 1	S003 (003)	1500	10000000	PE
Belt No. 2	S005 (005)	1500	10000000	PE
Belt No. 3	S008 (008)	1500	10000000	PE
Belt No. 4	S010 (010)	1500	3420000	PE
Belt No. 5	S012A (012A)	3000	3420000	PE
Belt No. 6	S013 (013)	1500	4,180,000	PE
Belt No. 8	S018 (018)	3000	4,180,000	PE
Belt No. 9	S046 (046)	3000	7,600,000	PE
Belt No. 10	S022 (022)	400	1,920,000	PE
Belt No. 15	S047 (047)	1500	1,240,000	PE
Belt No. 16	S055 (055)	1000	1,300,000	PE
Crusher	S001A (001A)	1500	10,000,000	FE
Screen	S001B (001B)	1500	10,000,000	FE

PE Partial Enclosure
FE Full Enclosure

[45CSR13, R13-0718B (Condition A.7.) (003, 005, 008, 010, 012A, 013, 018, 046, 022, 047, 055, 001A, 001B)]

4.1.15. Fugitive dust control measures as described in Permit Application R13-0718B shall be installed and maintained in a manner to minimize dust emissions pursuant to Section 6 of 45CSR5. These measures will include applying a calcium chloride solution on the haulroads at least once a year.
[45CSR13, R13-0718B (Condition A.8.) (052A, 052B, 052C, 052D, 052E, 052F, 052G, 052H, 052I, 052J, 052K, 052L, 054D, 054E)]

4.1.16. The permitted facility shall be constructed and operated in accordance with information filed in Permit Application R13-0718, R13-0718A, R13-0718B and any amendments thereto. The Director may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to.
[45CSR13, R13-0718B (Condition C.3.)]

4.1.17. The permittee shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal that commences construction or modification after October 24, 1974, gases which exhibit 20 percent opacity or greater. These opacity standards shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.

[40 C.F.R. 60.252c, R13-0718B (Condition B.4.), 45CSR13, 45CSR16 (001B, 001A, 003, 005, 008, 010, 013, 022, 033, 034, 036, 038, 047, 055, 054B, 054A)]

4.1.18. The permittee shall not cause to be discharged into the atmosphere from any thermal dryer gases that:
(1) Contain particulate matter in excess of 0.070 g/dscm (0.031 gr/dscf).
(2) Exhibit 20 percent opacity or greater.
[40 C.F.R. 60.252a, 45CSR§5-3.1 (P002)]

4.1.19. No person shall cause, suffer, allow or permit emission of particulate matter into the open air from any fugitive dust control system which is twenty percent (20%) opacity or greater.
[45CSR§5-3.4, 45CSR13, R13-0718B (Condition B.4.) (003, 005, 007, 008, 010, 012, 012A, 013, 015, 016, 018, 046, 020, 022, 033, 034, 036, 038, 035, 047, 048, 050, 054B, 055, 048, 050, 054B, 054A)]

4.1.20. In order to prevent and control air pollution from coal refuse disposal areas, the operation of coal refuse disposal areas shall be conducted in accordance with the standards established by the following**:**
[45CSR§5-7.1. (024)]

(a) Coal refuse is not to be deposited on any coal refuse disposal area unless the coal refuse is deposited in such a manner as to minimize the possibility of ignition of the coal refuse.
[45CSR§5-7.2. (024)]
(b) Coal refuse disposal areas shall not be so located with respect to mine openings, tipples, or other mine buildings, unprotected coal outcrops or steam lines, that these external factors will contribute to the ignition of the coal refuse on such coal refuse disposal areas.
[45CSR§5-7.3. (024)]
(c) Vegetation and combustible materials shall not be left on the ground at the site where a coal refuse pile is to be established, unless it is rendered inert before coal refuse is deposited on such site.
[45CSR§5-7.4. (024)]
(d) Coal refuse shall not be dumped or deposited on a coal refuse pile known to be burning, except for the purpose of controlling the fire or where the additional coal refuse will not tend to ignite or where such dumping will not result in statutory air pollution.
[45CSR§5-7.5. (024)]
(e) Materials with low ignition points used in the production or preparation of coal, including but not limited to wood, brattice cloth, waste paper, rags, oil and grease, shall not be deposited on any coal refuse disposal area or in such proximity as will reasonably contribute to the ignition of a coal refuse disposal area.
[45CSR§5-7.6. (024)]
(f) Garbage, trash, household refuse, and like materials shall not be deposited on or near any coal refuse disposal area.
[45CSR§5-7.7. (024)]
(g) The deliberate ignition of a coal refuse disposal area or the ignition of any materials on such an area by any person or persons is prohibited.
[45CSR§5-7.8. (024)]

Each burning coal refuse disposal area which allegedly causes air pollution shall be investigated by the Director (in accordance with the following)
[45CSR§5-8.1., 45CSR13, R13-0718B (Condition B.3.) (024)]
(a) Each coal refuse disposal area which causes air pollution shall be considered on an individual basis by the Director. Consistent with the declaration of policy and purpose set forth in section one of Chapter twenty-two, article five of the code of

West Virginia, as amended, as well as the established facts and circumstances of the particular case, the Director shall determine and may order after a proper hearing the effectuation of those air pollution control measures which are adequate for each such coal refuse disposal area.
[45CSR§5-8.2. (024)]

(b). With respect to all burning coal refuse disposal areas, the person responsible for such coal refuse disposal areas or the land on which such coal refuse disposal areas are located shall use due diligence to control air pollution from such coal refuse disposal areas. Consistent with the declaration of policy and purpose set forth in section one of chapter twenty-two, article five of the code of West Virginia, as amended, the Director shall determine what constitutes due diligence with respect to each such burning coal refuse disposal area. When a study of any burning coal refuse disposal area by the Director establishes that air pollution exists or may be created, the person responsible for such coal refuse disposal area or the land on which such coal refuse disposal area is located shall submit to the Director a report setting forth satisfactory methods and procedures to eliminate, prevent, or reduce such air pollution. The report shall be submitted within such time as the Director shall specify. The report for the elimination, prevention or reduction of air pollution shall contain sufficient information, including completion dates, to establish that such program can be executed with due diligence. If approved by the Director, the corrective measures and completion dates shall be embodied in a consent order issued pursuant to W.Va. Code §§ 22-5-1 et seq. If such report is not submitted as requested or if the Director determines that the methods and procedures set forth in such report are not adequate to reasonably control such air pollution, then a hearing will be held pursuant to the procedures established by W.Va. Code § 22-5.
[45CSR§5-8.3. (024)]

4.1.21. No person shall circumvent 40 C.F.R. 60.252 or 45CSR5 by adding additional gas to any dryer exhaust or group of dryer exhausts for the purpose of reducing the grain loading.
[45CSR§5-4.2. (035)]

4.1.22. No person shall cause, suffer, allow or permit the exhaust gases from a thermal dryer to be vented into the open air at an altitude of less than eighty (80) feet above the foundation grade of the structure containing the dryer or less than ten (10) feet above the top of said structure or any adjacent structure, whichever is greater. In determining the desirable height of a plant stack, due consideration shall be given to the local topography, meteorology, the location of nearby dwellings and public roads, the stack emission rate and good engineering practice as set forth in 45CSR20.
[45CSR§5-4.3. (035)]

4.1.23. At all times, including periods of startup, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Director which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
[40 C.F.R. 60.11d, R13-0718B (Condition B.4.), 45CSR13 (001B, 001A, 003, 005, 008, 010, 013, 022, 033, 034, 036, 038, 047, 055, 054B, 054A)]

4.1.24. No person shall cause, suffer, allow, or permit the emission into open air from any source operation an in-stack sulfur dioxide concentration exceeding 2000 ppmv by volume from existing source operations, except as provided in subdivisions of 45CSR§10-4.1.
[45CSR§10-4.1. (P002)]

4.2. Monitoring Requirements

4.2.1. The Permittee shall install, calibrate, maintain, and continuously operate monitoring devices as follows:
(1) A monitoring device for the measurement of the temperature of the gas stream at the exit of the thermal dryer on a continuous basis. The monitoring device is to be certified by the manufacturer to be accurate within ±3º Fahrenheit.
(2) A monitoring device for the continuous measurement of the pressure loss through the venturi constriction of the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ±1 inch water guage.
(3) A monitoring device for the continuous measurement of the water supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ±5 percent of design water supply pressure. The pressure sensor or tap must be located close to the water discharge point.
(4) All monitoring devices under 4.2.1.1-3 are to be recalibrated annual in accordance with procedures under 40 C.F.R. 60.13(b)
[40 C.F.R. 60.253 (035)]

4.2.2. The permittee shall conduct monitoring/recordkeeping/reporting as follows [Not required for stockpiles and haulroads]:

a. An initial visible emissions evaluation in accordance with 40 C.F.R. 60 Appendix A, Method 9 shall be performed within one hundred and eighty (180) days of plant startup for each emission unit with a visible emissions requirement in this permit unless such evaluation was performed within the consecutive 12-month period preceding permit issuance. This initial evaluation shall consist of three 6-minute averages during one consecutive 60 minute period. The initial evaluation shall be conducted at each emissions unit during the period of maximum expected visible emissions under normal unit and facility operations. A visible emissions evaluation shall be conducted for each emission unit at least once every consecutive 12-month period in accordance with 40 C.F.R. 60 Appendix A, Method 9. This annual evaluation shall consist of a minimum of 24 consecutive observations for each emission unit.

b. Each emissions unit with a visible emissions limit contained in this permit shall be observed visually at least each calendar week during periods of normal facility operation for a sufficient time interval to determine if the unit has any visible emissions using 40 C.F.R. 60 Appendix A, Method 22. If visible emissions from any of the emissions units are observed during these weekly observations, or at any other time, that appear to exceed 50 percent of the allowable visible emission requirement for the emission unit, visible emissions evaluations in accordance with 40 C.F.R. 60 Appendix A, Method 9 shall be conducted as soon as practicable, but no later than one (1) month from the time of the observation. A Method 9 evaluation shall not be required under Condition 4.2.2.b. if the visible emissions condition is corrected in a timely manner; the emissions unit is operating at normal operating conditions; and, the cause and corrective measures taken are recorded.

c. If the initial, or any subsequent, visible emissions evaluation indicates visible emissions in excess of 50 percent of the allowable visible emissions requirement for a given emission unit, a visible emissions evaluation shall be performed for that unit at least once every consecutive 14-day period in accordance with 40 C.F.R. 60 Appendix A, Method 9. If subsequent visible emissions evaluations indicate visible emissions less than or equal to 50 percent of the allowable visible emissions

requirement for the emission unit for 3 consecutive evaluation periods, the emission unit may comply with the visible emissions testing requirements of Condition 4.2.2.b. in lieu of those established in this condition.

d. A record of each visible emissions observation shall be maintained, including any data required by 40 C.F.R. 60 Appendix A, Method 22 or Method 9, whichever is appropriate. The record shall include, at a minimum, the date, time, name of the emission unit, the applicable visible emissions requirement, the results of the observation, and the name of the observer. Records shall be maintained on site for a period of no less than five (5) years stating any maintenance or corrective actions taken as a result of the weekly inspections, and the times the fugitive dust control system(s) are inoperable and any corrective actions taken.

[40 C.F.R. 60.11(b) and (e)(1) (001B, 001A, 003, 005, 008, 010, 013, 022, 033, 034, 036, 038, 047, 055, 054B, 054A)]

4.2.3. The permittee shall inspect all fugitive dust control systems weekly to ensure that they are operated and maintained in conformance with their designs. The permittee shall maintain records of all scheduled and non-scheduled maintenance. Records shall be maintained on site for a period of no less than five (5) years stating any maintenance or corrective actions taken as a result of the weekly inspections, and the times the fugitive dust control system(s) are inoperable and any corrective actions taken.
[45CSR§30.5.1.c]

4.2.4. Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not more than 180 days after initial startup of such, the owner or operator shall conduct opacity observations and shall report to the Administrator the opacity results. Compliance testing shall be determined by conducting observations in accordance with Reference Method 9 in Appendix A of 40 C.F.R. 60, any alternative method that is approved by the Administrator, or as provided in 40 C.F.R. 60.11. For purposes of determining initial compliance, the minimum total time of the observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard). [**40 C.F.R. 60.11(b) & (e)(1) ((001B, 001A, 003, 005, 008, 010, 013, 022, 033, 034, 036, 038, 047, 055, 054B, 054A)]**

4.2.5. The permittee shall use Method 5 or an alternative method approved by the Chief for such testing. If an alternative testing method were approved which effectively replaces Method 5, a permit revision would be required in accordance with 45CSR§30-6.4. or 45CSR§30-6.5 as applicable. Parameter indicator ranges shall be established for the exit temperature of the thermal dryer, water pressure to the control equipment, and the pressure loss of the inlet airflow to the scrubber. The permittee shall establish these indicator ranges and operate within these ranges to provide a reasonable assurance that the thermal dryer unit is in compliance with opacity and particulate loading limits. The permittee shall take immediate corrective action when a parameter falls outside the indicator range established for that parameter and shall record the cause and corrective measures taken. The permittee shall also record the following parameters during such testing:

a. Opacity readings on the exhaust stack following the procedures of Method 9;
b. Amount of coal burned and the amount of coal dried;
c. Coal drying temperature and residence time in the dryer;
d. Temperature of the gas stream at the exit of the thermal dryer;
e. Flow rate through the dryer and converted to dry standard cubic feet;
f. Water pressure to the control equipment; and
g. Pressure loss of the inlet airflow to the scrubber. The pressure drop will be measured between the inlet airflow to the scrubber and outlet airflow of the scrubber, which is atmospheric loss through the venturi constriction of the control equipment.

These records shall be maintained on site for a period of no less than five (5) years.

Subsequent testing to determine compliance with the particulate loading limitations of 4.1.18. shall be conducted in accordance with the schedule set forth in the following table:

Test	Test Results	Testing Frequency
Initial	≤50% of particulate loading limit	Once/5 years
Initial	Between 50% and 90 % of particulate loading limit	Once/3 years
Initial	≥90% of particulate loading limit	Annual
Annual	If annual testing is required, after two successive tests indicate mass emission rates between 50% and 90 % of particulate loading limit	Once/3 years
Annual	If annual testing is required, after three successive tests indicate mass emission rates ≤50% of particulate loading limit	Once/5 years
Once/3 years	If testing is required once/3 years, after two successive tests indicate mass emission rates ≤50% of particulate loading limit	Once/5 years
Once/3 years	If testing is required once/3 years and any test indicates a mass emission rate ≥90% of particulate loading limit	Annual
Once/5 years	If testing is required once /5 years and any test indicates mass emission rates between 50% and 90 % of particulate loading limit	Once/3 years
Once/5 years	If testing is required once/5 years and any test indicates a mass emission rate ≥90% of particulate loading limit	Annual

[45CSR§30.5.1.c]

4.2.6. The permittee shall conduct monitoring/recordkeeping/reporting for the thermal dryer as follows

a. An initial visible emissions evaluation in accordance with 40 C.F.R. 60 Appendix A, Method 9 shall be performed within one hundred and eighty (180) days of permit issuance for thermal dryer unit(s) with a visible emissions requirement in this permit unless such evaluation was performed within the consecutive 12-month period preceding permit issuance. This initial evaluation shall consist of three 6-minute averages during one consecutive 60 minute period. The initial evaluation shall be conducted at the thermal dryer unit(s) during the period of maximum expected visible emissions under normal unit and facility operations. A visible emissions evaluation shall be conducted for the thermal dryer unit(s) at least once every consecutive 12-month period in accordance with 40 C.F.R. 60 Appendix A, Method 9. This annual evaluation shall consist of a minimum of 24 consecutive observations for the thermal dryer unit(s).

b. The thermal dryer unit(s) included in this permit shall be observed visually on a daily basis during periods of normal facility operation for a sufficient time interval to determine if the unit has any visible emissions using 40 C.F.R. 60 Appendix A, Method 22. If visible emissions from the thermal dryer unit(s) is observed during these daily observations, or at any other time, that appear to exceed 50 percent of the allowable visible emission requirement for the thermal dryer unit(s), visible emissions

evaluations in accordance with 40 C.F.R. 60 Appendix A, Method 9 shall be conducted as soon as practicable, but no later than fourteen (14) days from the time of the observation. A Method 9 evaluation shall not be required if the visible emissions condition is corrected in a timely manner; the thermal dryer unit(s) is operating at normal operating conditions; and, the cause and corrective measures taken are recorded.

c. If the initial, or any subsequent, visible emissions evaluation indicates visible emissions in excess of 50 percent of the allowable visible emissions requirement for a thermal dryer unit, a visible emissions evaluation shall be performed for that unit at least once every consecutive seven (7) day period in accordance with 40 C.F.R. 60 Appendix A, Method 9. If subsequent visible emissions evaluations indicate visible emissions less than or equal to 50 percent of the allowable visible emissions requirement for the thermal dryer unit for 3 consecutive evaluation periods, the thermal dryer may comply with the visible emissions testing requirements of Condition 4.2.6.b. in lieu of those established in this condition.

d. A record of each visible emissions observation shall be maintained, including any data required by 40 C.F.R. 60 Appendix A, Method 22 or Method 9, whichever is appropriate. The record shall include, at a minimum, the date, time, name of the emission unit, the applicable visible emissions requirement, the results of the observation, and the name of the observer. Records shall be maintained on site for a period of no less than five (5) years stating any maintenance or corrective actions taken as a result of the daily inspections, and the times the fugitive dust control system(s) are inoperable and any corrective actions taken. If any visible emissions evaluation performed in accordance with 40C.F.R.60 Appendix A, Method 9 indicates a visible emissions observation of twenty percent (20%) or greater, the minimum total time of the observations for that emission unit shall be sixty (60) minutes. This section shall not apply if any visible emissions observation is sixty percent (60%) or greater.

e. The thermal dryer unit(s) included in this permit shall be observed visually during periods of building a fire of operating quality and minimization efforts taken to ensure particulate matter emissions of sixty percent (60 %) opacity for a period of up to 8 minutes in any operating day is not exceeded during such activities.

[45CSR§30.5.1.c]

4.2.6. The continuous emissions monitoring system on the thermal dryer exhaust stack shall measure sulfur dioxide concentrations which meets performance specifications set forth under Title 40, Part 60, Appendix B Performance Specification 2 – Specifications and Test Procedures for SO2 and NOx Continuous Emission Monitoring Systems in stationary sources of the Code of Federal Regulations. In addition, the Permittee shall conduct required reference method testing and calibration drift tests, including submission of certified monthly reports showing conformance with the aforementioned Performance Specifications no later than sixty (60) days following installation of such CEM system and commencing operations of the subject thermal dryer. Such system shall also include a device which monitors stack gas flow rate and a data reduction system to convert stack gas concentrations into lbm/hr values and to provide cumulative monthly emission rates in tons. The output from the CEM system shall be used to vary the caustic addition rate of the sulfur dioxide removal system so that sulfur dioxide emissions shall be controlled below the limitations contained in Condition 4.1.11.

4.3. Testing Requirements

4.6.1. Initial stack testing for NOx, CO, and VOC's shall be performed within one hundred and eighty (180) days of permit issuance for thermal dryer unit(s), during maximum operating conditions. Within thirty (30) days following the effective date of this Permit, the Permittee will prepare and submit for approval by DAQ a testing protocol for said stack testing.

The following test methods shall be utilized unless otherwise approved by the Director:

a. Carbon Monoxide EPA Method 10

b.	Nitrogen Oxides	EPA Method 7
c.	Volatile Organic Compounds	EPA Method 25

[45CSR§30.5.1.c]

4.4. Recordkeeping Requirements

4.4.1. The following information shall be recorded on a daily basis, and maintained at the permitted facility for a period of five (5) years, and made available to the Director of Air Quality, or his designated representative upon request:

a) flyash received in tons per day; and
b) water used for conditioning in gallons per day.

A report of quarterly totals shall be submitted to the Division of Air Quality, Director of Air Quality. Such quarterly reports shall be certified to be accurate by the Chief Executive Officer or owner of the permitted facility, or their designee and shall be submitted by the fifteenth day following the end of each calendar quarter.
[45CSR13, R13-1551 (Condition B.3.)]

4.4.2. The applicant shall maintain on-site records of hourly operation of the thermal dryer, and within fifteen (15) days after the end of each calendar month shall submit certified Monthly Reports, utilizing the form identified as Attachment B, to the Chief showing

(a) cumulative yearly hours of operation of the dryer
(b) cumulative monthly emission rates for SO_2, and
(c) identifying all hours in which an allowable SO_2 emission rate was exceeded.

[45CSR13, R13-0718B (Condition B.1.) and CO-R5, 13, 14-93-6]

4.4.3. For the purpose of determining compliance with the maximum throughput limits set forth under Condition 4.1.12., the permittee shall maintain certified monthly and annual records of the amount of raw coal transferred from the skip cars to the raw coal screens and the hours of operated, utilizing the form identified as Attachment C. In addition, for the purposes of demonstrating compliance with Condition 4.1.13., the permittee shall maintain daily records indicating the use of any dust suppressants or other suitable dust control measures applied at the facility, utilizing the form identified as attachment D. Such records shall be certified by a "responsible official" and maintained on site for a period of not less than five (5) years and shall be made available to the Chief or his or her duly authorized representative upon request.
[45CSR13, R13-0718B (Condition B.6.)]

4.5. Reporting Requirements

4.5.1. The Permittee shall submit certified monthly reports to the Director identifying all hours in which the allowable SO2 emission rate from Condition 4.1.11. is exceeded. Reports shall be submitted within 15 days after the end of each calendar month.
[CO-R5, 13, 14-93-6 (Condition III.2.)]

4.6. Compliance Plan

4.6.2. N/A

Attachment B
Consolidation Coal Company
Blacksville No. 2
Plant ID No. 061-00016
Permit No.R13-0718B

MONTHLY REPORT FOR THERMAL DRYER EMISSIONS

Month_____Year

1. Hours of operation: _____

2. Cumulative emissions of SO_2 in tons (current month): _____

3. Cumulative emissions of SO_2 in tons (current year): _____

4. Hours exceeding SO_2 emission rate (maximum hourly average): _____

5. Dryer fule in tons: _____

6. Dryer fuel sulfur (%, as rec'd): _____

This Monthly Report must be certified on the reverse side and submitted within fifteen (15) days after the end of each calendar month to the Director of the Division of Air Quality. Submit to:

Director
WV DEP
Division of Air Quality
7012 MacCorkle Avenue
Charleston, WV 25304

Attachment C
Consolidation Coal Company
Blacksville No. 2
Plant ID No. 061-00016
Permit No.R13-0718B
Daily Throughput of Coal Brought Up From the Mine

Month_____ Year_____

Day of Month	Throughput (Tons)	Hours Operated	Initials
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
Monthly Throughput			
12 Month Rolling Total[2]			
Yearly Permitted Limit	10,000,000		

(1) The **CERTIFICATION OF DATA ACCURACY** statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Director or his or her duly authorized representative upon request.

(2) The Twelve Month Rolling Total shall mean the sum of the amount of coal produced at any given time during the previous twelve (12) consecutive calender months.

Attachment D

Consolidation Coal Company

Blacksville No. 2

Plant ID No. 061-00016

Permit No.R13-0718B

Daily Usage of the Water Truck

Month_____ Year_____

Day of Month	Note Water or Solution Applied	Remarks	Initials
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
Total			

(1) The **CERTIFICATION OF DATA ACCURACY** statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Director or his or her duly authorized representative upon request.

(2) If a chemical solution is applied, record the name chemical solution and concentration used in the remarks column.

(3) Use the remarks column to explain why the water truck was not in use or was used sparingly.